

1894-045 Chancery Causes: Martain Henshaw vs. Charity Henshaw
Lee Co.

Freeman, Gibson, Carmack, King, Hinshaw

CA-Divorce

T-Vices

Migration

To the Hon. Wm. T. Miller, Judge of the Circuit Court of the County of Lee;

Humbly complaining your orator, Martain Hinshaw, would respectfully represent unto your honor that he was lawfully married unto Charity Freeman on or about the 23 day of 1893 in the county of Lee and State of Va.; that your respondent and the said Charity lived together for the space of about _____ months, as husband and wife, when the said Charity, the wife of ^{you} said orator, disregarding her marriage vows, wickedly and sinfully stole away from your said orator, her husband, left him, and went away with another man by the name of John Gibson to the state of Tennessee, and ~~there~~ there wickedly and sinfully cohabits with him and lives in the corrupt and vile state of adultery.

Your orator will further represent and show unto your honor that he has not lived with or cohabited with the said Charity Hinshaw since the knowledge of the said wicked and sinful acts aforesaid nor has he been reconciled to her for the said acts.

Your orator will further represent and show unto your honor that the said acts of adultery here complained of were committed within the five years next preceeding the institution of this suit; and that the ^aid wicked acts were committed without the procurement or connivance of your orator;

Your orator will represent and show unto your honor that he is now domiciled in this state and that he has been for more than a ^{next} year preceeding the institution of ~~this~~ suit; and that the same is brought in the county in which your orator last cohabited with the said Charity Hinshaw.

Your orator further alleges and will show unto your honor that the said Charity Hinshaw is out of this state and is now a non-resident thereof.

The premises considered your orator is advised that upon proof of the acts and ^y representations aforesaid he is entitled to have the said bonds of matrimony now existing between the said Charity and your orator dissolved by this Honorable court.

The prayer therefore of your orator^x is that the said Charity
Hinshaw be made a party ^{defendant} to this bill of complaint, that she answer
the same fully and completely on oath; that as she is a non-resident^t
of this state an order of publication be made as the law requires
in such cases; that upon a hearing of your orators complaint he be
decreed a divorce "a vinculo matrimonae" (from the bonds of matrimony)
and that the said bonds of matrimony now existing between the
said defendant and your orator be decreed to be forever dissolved.
And may all further and general relief be granted your orator that
the nature of his cause and good conscience may demand. And your
orator^x, will, as in duty bound, ever pray &c.

Pennington Bros. & Co.

Martin Henshaw,
U.S. } Bill for divorce

Charity Henshaw.

Pennington Bros. for

Martin Henshaw, Compl't.

vs.

Charity Henshaw Def't.

} In Chancery.

This Cause came on this day to be heard upon the ~~proposed~~ ~~proposed~~ bill of the Complainant and the depositions of witnesses; and it appearing that order of publication has been duly made against the Def't. who is a non-resident of this State, and she failing to appear, it is adjudged, ordered and decreed that the bonds of matrimony that have hitherto and are now existing between said Complainant and defendant be and the same is hereby forever annulled, vacated, and set aside; and that the said defendant is hereby forever prohibited from again marrying again. And the said Complainant shall recover from said defendant his taxable costs in this suit. And there being nothing further to be done, this Cause is hereby stricken from the docket.

Martin Hurshaw
vs. Secre final
Charity Hurshaw

Copied in
Chancery Order
Book Page 63

Enter this
Nov 10 1894
W. J. M.

Martin Henshaw Complt.

vs.

Charity Henshaw Deft.

In Chancery.

The depositions of R F Carmack, taken before me, H. A. W. Skein
Commissioner in Chancery for Lee Co Circuit Court
Woodlawn Mrs. Stone
for the County of Wise, at the law office of Judge H. S. Skein, in the
town of Big Stone Gap, Virginia, on the 6th day of October, 1894
to be read as evidence in behalf of Martin Henshaw, in a certain suit
in chancery now pending in the Circuit Court of Lee County, Va., where
in Charity Henshaw is defendant, and the said Martin Henshaw is plaintiff ff.
~~Present H. S. Skein, for Complt.~~

The witness, R. F. Carmack, being duly sworn, deposes as follows:-

Ques. Give your name, age, residence and occupation.

Ans. My name is R F Carmack; I am 30 years old,
I reside in the town of Big Stone Gap, Wise CO., Va.; and I am a black-
smith.

Ques. Were you ever acquainted with the plaintiff and defendant in this
Suit?

Ans. I was acquainted with them both. I knew them only a short time.
Summer
I knew them during the fall and winter of 1893.

Ques. State what you may know about the defendant being guilty of adul-
tery, or any thing tending in that direction.

Ans. In the latter part of the summer of 1893, or the early part of the
fall of that year, myself and some others were working at logging in
Harlan County, Ky., and we did our own cooking. While we were there,
the said defendant came to our camps with a man by the name of Gibson
and they stayed at our "shack" or camps a few days. While there they slept
together. They represented themselves to be married to each other. I
knew they were not married to each other, and something was said about
them being unmarried, and sleeping together, and they took a scare and
left there. This was the last time that I ever saw the defendant.

And farther this deponent saith not. R F Carmack

Virginia, ^{Wise}~~Lee~~ County, to-wit:-

I, W. A. W. Sheen Commissioner in Chancery
Circuit Court ^{Wise}~~Lee~~ for the County of ~~Lee~~ in the said State, do hereby certify
that the foregoing depositions of R. F. Carmack, were taken, sworn to, and
subscribed before me, at the time and place, and for the purpose in the
caption mentioned.

Given under my hand this the 6th day of Oct., 1894.

W. A. W. Sheen
Comm. In Chancery

Martin Henshaw
v } Depositions
Charity Henshaw

Received by mail in good
condition and filed Oct
the 9th 1894

A B Munsey Clerk

Martin Henshaw Complt.

vs-

In Chancery.

Charlotte Henshaw Deft.

The depositions of Geo. W. King taken before me,
& Alfred Wyatt a Natary Public
for the county of Lee and State of Virginia, at the law office of
E.W. Pennington, in the town of Pennington Gap, Va., on the 9 day
of October, 1894, to be read as evidence in behalf of Martin Henshaw,
in a certain suit in chancery now pending in the circuit Court of Lee
County, Va., wherein the said Martin Henshaw is plaintiff, and one
Charlotte Henshaw is defendany.

Present E.W. Pennington for the plaintiff.

Ques. Give your name, age, residence and occupation.

Ans. Geo. W. King; age 30 years old; reside in Lee County, near
Pennington Gap; and I am a farmer.

Ques. Are you acquainted with the plaintiff and drfendant in this suit
if so how long have you known them?

Ans. I am acquainted with both parties to this suit. The plaintiff
now lives in this county, and has lived therein and been domiciled
therein for more than a year next before the institutiin of this
suit. The defendant now lives in Tenn. They lived on my farm before
they separated. She left him about the day of March
1893, and went away with aman by the name of Gibson.

17es. State what you may know about the said defendant being guilty o
of adutery, or any thing tending in that direction.

Ans. The evening before the defendant left her said husband, I sliced
up to the house, and I saw the defendant sitting in the lap of the
said Gibson, ~~eating with him out of the same plate.~~ The plaintiff was
not at home. I had had my suspicions aroused that there were some un-
due intimacy existing between the said defendant and the man Gibson,
is the reasons that I went there in the way that I ~~x~~ did. This con-
duct that I saw, was in the latter part of the winter, or the earlier
part of the Spring of 1893. I am satisfied that the plaintiff was not

the procurer, or conniver of the said acts of the said Charlotte.

And farther this deponent saith not.

G. W. King

Virginia, County of Lee, to-wit:-

I, Alfred Wyatt a Notary
Public for the County of Lee, in the said State, do hereby
certify that the foregoing deposition of Geo. W. King was taken, sworn
to, and subscribed before me, at the time and place, and for the purpo
se in the caption herto mentioned.

Given under my hand this the 9 day of October, 1894.

Alfred Wyatt, A.P.

Martin Kershaw
vs Depositions
Charlotte Kershaw

October 9th 1894

Received by mail in good
condition and filed Oct
the 10th 1894

A B Munsey Clerk

In the Clerk's Office of the Circuit Court of the County of
Lee

against Martin Hinshaw Plaintiff

In Chancery

Leharity Hinshaw Defendant

This day Is M King personally appeared
before me A. B Munsen Clerk of the said Court,
and being duly sworn, made oath that Leharity Hinshaw the

defendant in the said suit is not a resident of the State of Virginia,

Given under my hand as Clerk of the said Court, this 18th day of September

1894

A. B Munsen Clerk

Martin Hinshaw

vs.

} AFFIDAVIT FOR ORDER
OF
PUBLICATION.

Leharity Hinshaw

Pennington Bk. q.

Filed Sept the 18th 1894

A B Munsey
Clerk

In the Clerk's Office of the Circuit Court of the County of
Lee on the 18th day of Sept. 1894.

Martin Hinshaw Plaintiff
against

In Chancery

Leharity Hinshaw Defendant

The object of this suit is to obtain a divorce by the plaintiff from
the bonds of matrimony, now existing between the
said plaintiff & defendant

And an affidavit having been made and filed that the defendant Leharity Hinshaw

not resident of the State of Virginia, it is ordered that she do appear here, within fifteen days
after due publication hereof, and do what may be necessary to protect her interest in this suit. And
it is further ordered that a copy hereof be published once a week for four weeks in the South West
Virginian and that a copy be posted at the front door of the court-house of this County
on the first day of the next term of the County Court.

A copy—Teste:

Pennington Bros p. q.

A B Munnery Clerk.

Martin Heinslaw

vs. }

ORDER OF
PUBLICATION.

Charity Heinslaw

I A B Munsey Clerk of
the Circuit Court of Lee
County do certify that I
delivered a copy of the
within order to J. H. Gads
Editor of the Southwest
Virginian for publication
on the 18th of September 1894
And that I posted a copy
of the same at the front
door of the Courthouse
of Lee County as the law
directs given under my
hand this the 16th day
of October 1894

A B Munsey Clerk

The Commonwealth of Virginia,

To the Sheriff of the County of Lee---Greeting:

WE COMMAND YOU, That you summon

Charity Hinshaw

to appear at the Clerk's Office of the Circuit Court of the County of Lee, at the rules to be held for the said

Court on the 3rd Monday in October, 1894, to answer a bill in Chancery,

exhibited against

her

in our said court by

Martin Hinshaw

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court, at the court-house, the

18th

day of

September

1894,

and in the 119th

year of the

Commonwealth.

A Copy Teste

A. B. Munsey

Clerk.

A. B. Munsey Clerk

vs. { SUPRENA
IN CHANCERY.

p. q.

To Rules,
Circuit Court.

The Commonwealth of Virginia,

To the Sheriff of the County of Lee---Greeting:

WE COMMAND YOU, That you summon

Charity Hinshaw

to appear at the Clerk's Office of the Circuit Court of the County of Lee, at the rules to be held for the said

Court on the

3rd Monday in October

, 1894, to answer a bill in Chancery,

exhibited against

her

in our said court by

Martin Hinshaw

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court, at the court-house, the

18th

day of

September

1894

and in the 118th

year of the

Commonwealth.

A B Munsey Clerk.

Martin Hinshaw

vs. { SUPENA
IN CHANCERY.

Charity Hinshaw

Pennington Bros p. q.

To 2nd October Rules,
Circuit Court.

Not executed not found

C. L. Flannery. S. L. C.

CERTIFICATE OF ORDER OF PUBLICATION.

We, A. M. Goins and W. H. Eads,
editors of the SOUTHWEST VIRGINIAN,
a weekly newspaper published at
Jonesville, Lee county, Virginia, do
hereby certify that the annexed no-
tice was published in said paper
once a week for four successive
weeks, commencing on the 20

day of Sept. 1894.

A. M. Goins
W. H. Eads

} Editors.

VIRGINIA:—In the Clerk's Office of the
Circuit Court of the County of Lee, on
18th day of September, 1894.

Martain Heinshaw, Plaintiff,
AGAINST
Charity Heinshaw, Defendant.
In Chancery.

The object of this suit is to obtain a di-
vorce by the plaintiff from the bonds of
matrimony, now existing between the said
plaintiff and defendant. And an affidavit
having been made and filed that the defend-
ant, Charity Heinshaw, is not a resident
of the State of Virginia, it is ordered that
she do appear here, within fifteen days
after due publication hereof, and do what
may be necessary to protect her interest in
this suit. And it is further ordered that a
copy hereof be published once a week for
four weeks in the Virginian, and that a
copy be posted at the front door of the
court-house of this county on the first day
of the next term of the Circuit Court.

A Copy—Teste:

A. B. MUNSEY, Clerk.
Pennington Bros. p. q. s 20 4f

\$5 00

W. H. P.
 Martin Hushow

v.s. } In Chancery
Charity Hushow.

~~Pennycuik Bros. & Co.~~
1894, September 28th Order of
Publication

- " 1st October rules continued
for order of Publication
- " 2nd Oct rules Sp not executed
& contd for ord of Pub
- " 1st November rules taken
the last monday in October
order of Publication completed
& Cause set for hearing by
plff

November Term 1894 Decree
final see Chy Order Book
Page (63)

Plaintiffs costs recovered

C 6.54
O P 5.00
atty 15.00
Tax 1.50

\$28.04

90 to 00

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